

REMARKS

Reconsideration and continued examination of the above-identified application are respectfully requested. Claims 3-16 are now pending, wherein claims 3 and 4 are amended and claims 6-16 are new.

Claim 4 is objected to as being dependent upon canceled claim 1. Claim 4 has been amended to now depend from claim 3.

Claim 3 is rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of Park (US 5,526,336) and Takeda (US 5,648,950). Claim 4 is rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of Park, Takeda and Hayata (JP 10302403 A). Claim 5 is rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of Park, Takeda and Nakamura (US 2003/0048737). These grounds of rejection are respectfully traversed.

The combination of Park and Takeda does not render Applicant's claim 3 unpatentable because the combination does not disclose or suggest all of the elements of Applicant's claim 3 and one of ordinary skill in the art would not have been motivated to combine Park and Takeda to result in the device of Applicant's claim 3.

Park discloses an optical pickup for writing to and reading from a multi-layer optical disk. Park recognizes that conventional optical pickups cannot exactly adjust the focal positions of beam spots on multiple layers due to molding imperfections or other deformations. (Col. 1, lines 48-60). To overcome this problem Park discloses an optical pickup that separately drives a Fresnel lens 4 (with a diffraction grating) and an objective lens 5. (Col. 4, lines 10-25). Park also discloses that a collimating lens 2 can be arranged between a laser source 1 and a beam splitter 3. (Figs. 2 and 7). As recognized by the Office Action, Park does not disclose a half mirror or a collimator lens and diffraction grating that interact with the half mirror.

To remedy these deficiencies of Park the Office Action cites Takeda. Takeda discloses that one conventional magneto-optical pickup includes a collimator lens 4A, half-prism 5A, objective lens 6A and composite hologram lens 7A. (Fig. 22). Takeda discloses that his conventional magneto-optical system has problems such as it is time consuming to determine the layout and registry of these parts. (Col 2, lines 48-56). To overcome this problem Takeda discloses a system that reduces the number of parts required in an optical pickup. In the system of Takeda a hologram 12 and/or polarization separation device 17 can be mounted on a beam splitter 13.

Because Takeda discloses that hologram 12 and polarization separation device 17 are mounted on beam splitter 13, Takeda does not disclose or suggest a

diffraction grating that is spatially separated from a half mirror as recited in Applicant's claim 3. In fact, Takeda teaches away from such a spatial separation because the conventional devices each include a diffraction grating or hologram device that is separated from a beam splitter, and Takeda provides a simplified construction by incorporating the hologram 12 and/or polarization separation device 17 onto beam splitter 13. Accordingly, one of ordinary skill in the art would not have been motivated to combine Park and Takeda to provide this spatial separation.

Moreover, it is respectfully submitted that even if one of ordinary skill in the art were motivated combine Park and Takeda, such a combination would not provide "a collimator lens for converting the laser beam reflected or transmitted by the half mirror into parallel light" as recited in Applicant's claim 3. As discussed above, the collimating lens 2 of Park is arranged between laser 1 source 1 and beam splitter 3. Accordingly, Park cannot disclose a collimator lens that converts a laser beam reflected or transmitted *by a half mirror*. As also discussed above, Takeda describes a conventional pickup that includes a collimator lens, but then discloses a pickup that uses a reduced number of parts, and in particular does not include a collimator lens. Accordingly, if one of ordinary skill in the art would have been motivated to combine Park and Takeda to "reduce they size of the optical system used by Park" as stated in the Office Action, it is respectfully submitted that this reduced size device would not

include a collimator lens. Therefore, this combination would not include the collimator lens of Applicant's claim 3.

It is respectfully submitted that the Response to Arguments section demonstrates that the combination of Park and Takeda is based on an attempt to selective choose elements from both of these patents for the sole purpose of using hindsight to reconstruct Applicant's claimed device, and not based upon how one of ordinary skill in the art would have combined these patents¹. Specifically, the Response to Arguments section describes the structure that would result from a combination of Park and Takeda in which the hologram 12 and/or polarization separation device 17 combined with beam splitter 13 of Takeda is substituted for the Fresnel lens 4 of Park. As discussed above, the Fresnel lens 4 of Park is arranged to move relative to objective lens 5, and Takeda discloses that one problem with the conventional pickup devices is that they are difficult to bring into registry. It is respectfully submitted that making the hologram 12 and/or polarization separation device 17 combined with beam splitter 13 of Takeda move relative to an objective lens would make it difficult to bring into registry and would not result in the compact system that the Office Action states is the motivation for combining Park and Takeda.

¹ Applicant does not intend to assert, however, that one of ordinary skill in the art would actually have been motivated to combine Park and Takeda.

For at least those reasons set forth above, it is respectfully submitted that the combination of Park and Takeda does not render claim 3 unpatentable. Hayata and Nakamura are cited for elements of dependent claims 4 and 5, but do not remedy the above-identified deficiencies of the combination of Park and Takeda. Accordingly, these claims are patentably distinguishable over the current grounds of rejection at least by virtue of their dependency from claim 3.

Therefore, withdrawal of the rejections of claims 3-5 is respectfully requested.

New independent 7 is patentably distinguishable over the current grounds of rejection because the current grounds of rejection does not disclose or suggest “a collimator lens that converts the laser beam reflected or transmitted by the half mirror into parallel light, and that converts the laser beam reflected by the optical disk from a parallel light into a non-parallel light.” To reject Applicant’s claim 5 the Office Action states that one of ordinary skill in the art would have been motivated to arrange a collimator lens of Nakamura between a half mirror and an objective lens with the combination of Park and Takeda “in order to collimate both the emitted light from the laser as well as the return light reflected by the disk”. Accordingly, unlike the combination of Park, Takeda and Nakamura proposed by the Office Action in which the collimating lens produces parallel light for light entering from both sides, the collimator lens recited in Applicant’s claim 7 “converts the laser beam reflected by the optical disk from a

parallel light into a non-parallel light.” New claims 8-11 are patentably distinguishable over the current grounds of rejection at least by virtue of their dependency from claim 7.

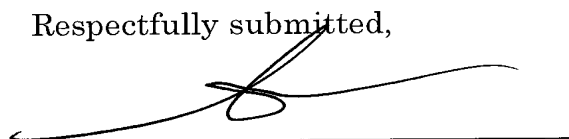
New claim 12 is patentably distinguishable over the current grounds of rejection because, for similar reasons to those discussed above with regard to claim 3, the current grounds of rejection does not disclose or suggest the half mirror and collimator lens of claim 12. New claims 13-16 are patentably distinguishable at least by virtue of their dependency from claim 12.

All outstanding objections and rejections having been addressed, it is respectfully submitted that the present application is in immediate condition for allowance. Notice to this effect is earnestly solicited. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #010482.52834US).

Respectfully submitted,

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Stephen W. Palan
Registration No. 43,420

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
SWP:crr
2950990